



DIVISION OF INSPECTOR GENERAL
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Clerk of the Circuit Court and Comptroller
Pinellas County, Florida



AUDIT OF CLERK EMPLOYEES' USE OF DAVID PERSONAL DATA

DAVID
DRIVER AND VEHICLE
INFORMATION DATABASE



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REPORT NO. 2020-03
JANUARY 17, 2020



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January 17, 2020

Teresa Del Rio, Executive Director, Court & Operational Services
Connie Daniels, Director, Court & Operational Services

We have conducted a limited scope audit of Clerk Employees' Use of Driver and Vehicle Information Database (DAVID) Personal Data per management request.

An Opportunity for Improvement is presented in this report.

We appreciate the cooperation shown by the staff of the Court & Operational Services Division during the course of this review.

Respectfully Submitted,

Hector Collazo Jr.
Inspector General/Chief Audit Executive

cc: Ken Burke, CPA, Clerk of the Circuit Court and Comptroller



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INTRODUCTION

Executive Summary

At the request of management, we conducted a limited scope audit of Clerk Employees' Use of DAVID Personal Data. The objective of our audit was to:

- Determine if DAVID information was obtained for legitimate business purposes.

Our review revealed one DAVID user who completed queries for non-business related purposes. Our report contains an opportunity for improvement to address the inappropriate user activity.

Background

The office of the Clerk of the Circuit Court (Clerk's Office) is authorized under the Florida State Constitution, Article V, Section 16 with the following duties enumerated in statute, rules of court, and local procedure:

1. As Clerk Of The Circuit And County Court

- Maintains custody of court records
- Maintains custody of all related pleadings filed
- Secures evidence entered in court
- Ensures integrity of court files is protected
- Collects and disburses court fines and assessments and court ordered child support
- Summons prospective jurors

2. As Recorder Of Deeds

- Maintains official records of Pinellas County (County) and ensures their integrity is protected

3. As Clerk And Accountant Of The Board Of County Commissioners

- Maintains official records of the Board
- Maintains County financial records and prepares financial reports

4. As Custodian Of All County Funds

- Receives and records County revenue
- Invests County funds
- Pre-audits and processes County payments

5. As County Auditor

- Performs comptroller function in pre-audit of invoices before payment
- Performs internal audits on County departments

6. As An Elected Official

- Delivers quality service in the most cost effective manner
- Serves as a trustee in handling collection and disbursements of funding for numerous agencies
- Serves as "watchdog" for the citizens of the County to ensure funds expended are only for a public purpose and for the benefit of the public as a whole

To fulfill these duties, the Clerk has established several divisions as follows:

1. Clerk's Administration
2. Clerk's Technology
3. Court & Operational Services
4. Finance
5. Inspector General

The Court & Operational Services Division is responsible for a myriad of functions including:

1. Civil Court Records
2. Clerk's Customer Information Center
3. Criminal Court Records
4. Criminal Court Customer Service
5. Branch Operations (North County and St. Petersburg)

To fulfill each of the above areas' responsibilities, the Clerk entered into an MOU with the Florida Department of Highway Safety and Motor Vehicles (DHSMV), dated April 29, 2009, to access the Driver and Vehicle Express (DAVE) system. As of June 2014, the DAVE system was retired and users migrated to the DAVID system.

The DAVID system provides secure, web-based access to driver license identity information, driver license transactions, driver records, and vehicle title and registration data. Court & Operational Services staff uses DAVID to perform activities such as the following:

- Searching a driver license number for a citation
- Searching a vehicle tag number to find the registered owner
- Completing an impound order for a driving under the influence (DUI) case
- Searching the current address for subpoenas

The DAVID system contains confidential personal information protected by Chapter 119 Florida Statutes and the Driver Privacy Protection Act. DAVID offers the ability to render audit reports that detail user access for a selected time period. Analyzing these reports supports MOU requirements V. Safeguarding Information and VI. Compliance and Control Measures.

SCOPE AND METHODOLOGY

We have conducted a limited scope audit of Clerk Employees' Use of DAVID Personal Data.

The audit was limited in scope and covered the appropriateness of DAVID user activity in the Clerk's Office.

The audit period was November 1, 2019, through November 26, 2019. However, we did not limit the review of transactions and processes by the audit period and scope.

During the audit, we tested, on a sample basis, DAVID user activity during the audit period to verify the following:

- The inquiry date and time was within normal Clerk's Office business hours
- The inquiry was related to a proper business function
- Repeated searches were appropriate
- The inquiry was not performed on relatives, celebrities, or political figures
- Access to Emergency Contact Information was appropriate

OBJECTIVES AND OUTCOMES

The objective of the audit was to:

- Determine if DAVID information was obtained for legitimate business purposes.

As a result of the audit, we determined:

- The use of DAVID information was for legitimate Clerk business purposes, except one of the sampled DAVID users had non-business related queries on the user's own driver, vehicle, and address information within the motor vehicle record. In addition, the user's activity included similar queries on multiple parties with known connections to the user.

Our limited audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing* and the *Principles and Standards for Offices of Inspector General*, and accordingly, included such tests of records and other auditing procedures, as we considered necessary in the circumstances.

OPPORTUNITIES FOR IMPROVEMENT

Our audit disclosed certain policies, procedures, and practices that could be improved. Our audit was neither designed nor intended to be a detailed study of every relevant system, procedure, or transaction. Accordingly, the Opportunity for Improvement presented in this report may not be all-inclusive of areas where improvement may be needed.

1. A Clerk's Office DAVID User Had Questionable Search Activity.

During our review of a sample of users with access to the Clerk's Office DAVID Portal, we identified questionable search activity by one user. We reviewed the DAVID User Activity reports for 12 of 118 active DAVID users, or approximately 10% of the total user population, for the period November 1, 2019, through November 26, 2019. Our review revealed one user had non-business related queries on the user's own driver, vehicle, and address information within the motor vehicle record. In addition, the user's activity included similar queries on multiple parties with known connections to the user.

Upon logging into the DAVID application, users receive a DAVID usage warning and are required to accept the usage conditions. The warning states the following:

"All data contained within the DAVID system is sensitive and privileged information and shall be handled accordingly. To maintain the integrity of this information, the records will be accorded proper management and security, and will only be accessed and used by authorized personnel in accordance with state and federal law.

Activity associated with any aspect of the DAVID system is subject to detailed monitoring and audits to protect against improper or unauthorized use. Unauthorized use includes, but is not limited to, queries not related to a legitimate business purpose, personal use, dissemination, sharing, copying or passing of DAVID information to unauthorized users and could result in civil proceedings against the offending agency and/or criminal proceedings against any user or other person involved. Violations or misuse may also subject the user and the user's agency to administrative sanctions and possible disciplinary action by their agency, and could result in DAVID access termination.

Accessing the DAVID system by any individual or agency constitutes their consent to the monitoring of all activities, as well as consent to the suspension or termination of their access privileges during or following any audit that determines misuse of the system."

Based on discussions with Court & Operational Services management, legitimate business purposes include activities such as the following:

- Searching a driver license number for a citation
- Searching a vehicle tag number to find the registered owner
- Completing an impound order for a DUI case
- Searching the current address for subpoenas

Specific to the responsibilities of the Clerk's Office in the event of unauthorized activity, the DAVID MOU stated the following in Section IV. B. 8. Statement of Work:

"Immediately inactivate user access/permissions following termination or the determination of negligent, improper, or unauthorized use or dissemination of information."

Further, Section VI. D. of the MOU stated the following in regard to the Requesting Party (Clerk's Office) notifying the Providing Agency (DHSMV) of the activity:

"Misuse of Personal Information – The Requesting Party must notify the Providing Agency in writing of any incident where determination is made that personal information has been compromised as a result of unauthorized access, distribution, use, modification, or disclosure, by any means, within 30 days of such determination. The statement must be provided on the Requesting Agency's letterhead and include each of the following: a brief summary of the incident; the outcome of the review; the date of the occurrence(s); the number of records compromised; the name or names of personnel responsible; whether disciplinary action or termination was rendered; and whether or not the owners of the compromised records were notified. The statement shall also indicate the steps taken, or to be taken, by the Requesting Agency to ensure that misuse of DAVID data does not continue.... (NOTE: If an incident involving breach of personal information did occur and Requesting Party did not notify the owner(s) of the compromised records, the Requesting Party must indicate why notice was not provided, for example "Notice not statutorily required".)"

Section II. H. of the MOU defined personal information as follows:

“Personal Information – As described in Chapter 119, Florida Statutes, and information found in the motor vehicle record which includes, but is not limited to, the subject's driver identification number, name, address, telephone number, social security number, medical or disability information, and emergency contact information.”

The identified user ignored the DAVID usage warning at login and proceeded to complete the questionable activity. The DAVID user's activity would not have been detected until January 2020 when the Point-of-Contact for the Clerk's Office is scheduled to complete the Quarterly Quality Control Review Report.

Using DAVID for non-business related purposes is wasteful and results in the loss of work time. In addition, it provides the opportunity for users to access other citizens' personal information without the necessity or the required permission to do so. This could result in the accidental or intentional exposure of personal information.

Beyond the MOU requirements, the DAVID user violated the following Pinellas County Personnel Rules:

- D10 - Misuse or destruction of property or equipment
- D11 - Unauthorized use of County equipment or property
- D12 - Violation of written rules, regulations, policies or statutes
- D20 - The employee has engaged in conduct unbecoming an employee of the County

The DAVID user resigned from Pinellas County, effective January 7, 2020. Therefore, no management recommendation is necessary with respect to disciplinary action.

We Recommend Management:

- A. Deactivate the identified DAVID user account immediately.
- B. Consult with its legal counsel and confirm its obligation for reporting the incident to the DHSMV, as well as the affected individuals.

Management Response:

- A. **Management concurs.** The employee's access has been deactivated.
- B. **Management concurs.**



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